

LYCOMING REPORTER

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LYCOMING REPORTER

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THE OFFICIAL LEGAL PERIODICAL FOR LYCOMING COUNTY

PUBLISHED EVERY FRIDAY BY
LYCOMING LAW ASSOCIATION

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LYCOMING LAW ASSOCIATION

Penn Tower, 25 West Third Street, Suite 803

Williamsport, PA 17701

www.lycolaw.org

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Your online connection for:

- Court Calendar • Continuing Legal Education
- Conference Room Facilities • Legal Assistance
- Recent Court Decisions • Upcoming LLA & Public Events

www.lycolaw.org

SCHEDULED EVENTS

Additional information about any of these events is available on the Lycoming Law Association website at www.lycolaw.org.

- 10/2/2017 – Community Outreach Committee Meeting:** *Regularly scheduled meeting of the committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/2/2017 – History Committee:** *Meeting at the museum to research topics for new history volume* **Time:** 1:30 PM to 3:00 PM. **Location:** Taber Museum
- 10/6/2017 – LLA/PSU Law Happy Hour:** *The LLA is sponsoring a Happy Hour event with PSU Law students.* **Time:** 4:30 PM to 7:00 PM. **Location:** The Brickyard
- 10/10/2017 – Elder Law Committee Meeting:** *Regular meeting of the Elder Law Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/24/2017 – Bar History Committee Meeting:** *Meeting of the Bar History Committee* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/27/2017 – LLA Foundation Meeting:** *Quarterly meeting of the LLAF* **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/31/2017 – Criminal Law Committee Meeting:** **Time:** 12:00 PM to 1:00 PM. **Location:** Courtroom #1
- 11/6/2017 – Bench Bar Meeting:** *Regular meeting of the committee to discuss matters of concern in Bench and Bar relations* **Time:** 12:00 PM to 1:00 PM. **Location:** LLA Office

The mission of the Lycoming Law Association is to promote the practice of law using the highest ethical standards and to advance the public image of our profession. We accomplish this by communicating within our profession and throughout our community, providing continuing legal education, encouraging collegiality among attorneys and the Court, providing *pro bono* legal assistance, and through community involvement.

UPCOMING LYCOMING COUNTY CLE OPPORTUNITIES

- 9/27/2017 – Your Client Is About to Lose Their Driver’s License: What Do You Do?:** *PBI Video Replay.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 9:00 AM to 3:30 PM. **Location:** Lycoming Law Association Office
- 10/4/2017 – Fundamentals of Corporate Criminal Liability for Environmental Law Violations:** *Eat and Earn CLE Presented by: Christopher Carusone, Esquire.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/11/2017 – Driving Under the Influence: Strategies That Win Cases:** *PBI Video Replay.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 9:00 AM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/18/2017 – The Bankruptcy Cure:** *Eat and Earn Speaker: Jennifer Heverly, Esquire. This CLE is designed for non-bankruptcy attorneys who advise clients in a number of areas where bankruptcy might be a remedy.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 10/19/2017 – 21st Annual Family Law Update:** *PBI Groupcast.* **CLE credits:** 3 Substantive **Time:** 8:45 AM to 12:00 PM. **Location:** Lycoming Law Association Office
- 10/26/2017 – 24th Annual Auto Law Update:** *PBI Groupcast.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 12:15 PM to 4:30 PM. **Location:** Lycoming Law Association Office
- 11/1/2017 – Nuts and Bolts of Interlock:** *Eat & Earn Speaker: Justin McCord (Smart Start).* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 11/15/2017 – Annual Civil Update:** *Eat & Earn Speaker: Clifford A. Rieders, Esq.* **CLE credits:** 1 Substantive **Time:** 12:00 PM to 1:00 PM. **Location:** Lycoming Law Association Office
- 12/1/2017 – The General Practitioners’ Year in Review:** *PBI Groupcast.* **CLE credits:** 5 Substantive / 1 Ethics **Time:** 8:30 AM to 3:45 PM. **Location:** Lycoming Law Association Office
- 12/7/2017 – 2017 Criminal Law Update:** *PBI Groupcast.* **CLE credits:** 3 Substantive / 1 Ethics **Time:** 12:00 PM to 4:15 PM. **Location:** Lycoming Law Association Office

*PBI Seminar. For tuition, registration, and all other information, please contact PBI Customer Service at (800) 247-4724, or online at www.pbi.org. Unless otherwise noted, this seminar is being held at the Lycoming Law Association Offices at 25 West Third Street, Suite 803, Williamsport, PA. Additional fees may be assessed for registration at the door.

**LLA Seminar. For tuition, registration, location, and all other information, please contact Michele Frey at the LLA Office at (570) 323-8287, by email at mfrey@lycolaw.org, or online at www.lycolaw.org.

The full text of the following Lycoming County Court opinions is reported at <http://www.lycolaw.org/cases/postings.asp>

- ▶ **Kuntz Estate (09/18/2017)**—Judge Nancy L. Butts
Wills and Estates: Petition of auctioneer for payment of fees associated with cancelled auction; interpretation of auctioneer's contract; words of contract clear and free from ambiguity; parties' intent determined solely from express language of agreement. (Kuntz091817bt)
- ▶ **Commonwealth vs. Lonon (09/11/2017)**—Judge Nancy L. Butts
Criminal: Suppression motion; reasonable expectation of privacy for automobile and cell phone inside car left running with its back end in a lane of traffic, the sidewalk blocked; search of vehicle to determine whether vehicle was stolen and identity of driver committing motor vehicle violations; abandoned cellular phone; limited search. (Lonon091117bt)
- ▶ **Commonwealth vs. Hoy (09/15/2017)**—Judge Nancy L. Butts
Criminal: Appeal; sentencing discretion; claimed excessive sentence for endangering welfare of child. (Hoy091517bt)
- ▶ **Commonwealth vs. Washington (09/14/2017)**—Judge Nancy L. Butts
Criminal: Appeal; attempted homicide/robbery case; sufficiency of evidence; propriety of use of photo array; relevancy of proposed expert testimony; exclusion of altered versions of photos from photo array; preclusion of wearing by defense counsel of sunglasses and hoody as demonstrative evidence during closing argument; Commonwealth appeal of allowance of eyewitness identification expert testimony; use of expert testimony to prove that it is more difficult to recognize someone who is wearing a disguise; qualification of expert in particular area of science; limiting expert testimony to matters contained in report; admission of evidence of defendant's possession of gun a week before shooting; probative value outweighing likely prejudice; probative value of statement discussing possible drug use by defendant; use of video to demonstrate prior inconsistent statement made by the witness to impeach the witness' credibility; speculative evidence that someone else committed the crime; limitations to defense counsel's closing argument to evidence developed in testimony; prejudicial impact of potential juror's statements about possibly knowing defendant professionally and that he worked at a prison. (Washington091417bt)

- **Commonwealth vs. Vickers** (09/15/2017)—Judge Marc F. Lovecchio
Criminal: Motion to dismiss or suppress; sole basis for vehicle stop to investigate odor of marijuana; reasonable suspicion to stop vehicle; credibility of testimony of police officers; evidence of ulterior motive for vehicle stop or of profiling. (Vickers091517L)
- **Commonwealth vs. McCloskey** (07/11/2017)—Judge Nancy L. Butts
Criminal: Appeal. (McCloskey071117bt)
- **Commonwealth vs. Burkhart** (10/31/2011)—Judge Nancy L. Butts
Criminal: Petition for habeas corpus; presence of a firearm at a residence of a probationer; constructive possession; intent to maintain a conscious dominion over the gun; firearm in plain view; credibility of testimony of lack of knowledge. (Burkhart103111bt)

The Lycoming Law Association office conference room is available for rental by both members and non-members. The office has a large conference table and additional area for chairs. Coffee and food services are available.

The space is ideal for depositions or small presentations. Equipment, including a projector and screen, DVD and VHS players and television, is available for use.

The cost for non-LLA members is \$100 per day. Members may use the conference room at no cost.

Scheduling arrangements may be made with Michele Frey, (570) 323-8287 or mfrey@lycolaw.org.

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION**Dochter, Audrey L.,** dec'd.

Late of Montoursville.
Executor: Richard G. Dochter c/o Marc S. Drier, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.
Attorney: Marc S. Drier, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

Fritz, Robert L. a/k/a Robert Lee Fritz, dec'd.

Late of the Township of Muncy Creek.
Executrix: Doris F. Fritz c/o Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701.
Attorneys: Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Williamsport, PA 17701.

Kremser, Howard W., dec'd.

Late of Montoursville.
Executor: H. Michael Kremser, 1068 Elm Street, Montoursville, PA 17754.
Attorneys: Fred A. Holland, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

Leonard, Clarence Lester a/k/a Clarence L. Leonard, dec'd.

Late of Jersey Shore.
Executrix: Kathryn D. Segraves c/o Marc S. Drier, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.
Attorney: Marc S. Drier, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

Slegle, Sara M., dec'd.

Late of Jersey Shore.
Executor: Judd L. Welshans c/o Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.
Attorney: Denise L. Dieter, Esquire, 227 Allegheny Street, Jersey Shore, PA 17740.

SECOND PUBLICATION**Biblehimer, John F.,** dec'd.

Late of Eldred Township.
The John F. and Margaret A. Biblehimer Living Trust, dated October 15, 2012, and any Amendments thereto.
Settlor: John F. Biblehimer.
Executrix/Trustee: Margaret A. Biblehimer.
Attorneys: Kristine L. Waltz, Esquire, Dinges, Dinges & Waltz, LLC, 1307 Sheridan Street, Williamsport, PA 17701.

Ludwig, Idell, dec'd.

Late of Fairfield Township.
The Idell Ludwig Irrevocable Life Insurance Trust.
Trustee: Scott A. Williams, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.
Attorneys: Williams & Smay, 57 East Fourth Street, P.O. Box 3, Williamsport, PA 17703.

McErn, Clarence R., dec'd.

Late of Williamsport.

Executrix: Mary C. Watt, 45 Aztec Lane, Williamsport, PA 17701.
Attorneys: James C. Casale, Esquire, Casale & Bonner, P.C., 33 West Third Street, Suite 202, Williamsport, PA 17701, (570) 326-7044.

Miller, Dale E., dec'd.

Late of Jersey Shore.
Executors: Jack N. Miller, 1120 Walters Road, Pennsburg, PA 18073 and Shannon L. Cosentine, 11664 Rose Valley Road, Trout Run, PA 17771.
Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Ulmer, Helen L., dec'd.

Late of Trout Run.
The Helen L. Ulmer Income Only Protector Trust, dated September 16, 2008 and the Helen L. Ulmer Gas Lease Protector Trust, dated June 1, 2010.
Settlor: Helen L. Ulmer.
Executors/Trustees: Randall I. Ulmer, Carol E. Ulmer and Jeanetta A. Ulmer.
Attorneys: Samantha K. Wolfe, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

THIRD PUBLICATION

Breitenbach, Mary F. a/k/a M. Forrest Breitenbach, dec'd.

Late of Williamsport.
Executor: Robert W. Breitenbach.
Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Cillo, Carmine J., dec'd.

Late of Williamsport.
The Carmine J. Cillo Income Only Protector Trust, dated November 21, 2016.

The Carmine J. Cillo Primary Residence Protector Trust, dated November 21, 2016.

The Cillo Family Protector Trust, dated November 21, 2016.

Settlor: Carmine J. Cillo.
Executors/Trustees: Jason J. Cillo and Shela M. Cillo.

Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Hemsley, Esther Louise a/k/a E. Louise Hemsley, dec'd.

Late of the Township of Loyalsock.
Executor: Donald P. Hemsley, 216 Wilson Street, Jersey Shore, PA 17740.

Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Hemsley, Esther Louise, dec'd.

Late of the Township of Loyalsock.
The Hemsley Family Trust, dated March 28, 2011.

Settlors: Harry E. Hemsley and Esther Louise Hemsley.

Trustee: Lawrence E. Hemsley, 208 Memory Lane, Hamburg, PA 19526.
Attorneys: James G. Malee, Esquire, Malee Law Firm, P.C., 310 East Third Street, Williamsport, PA 17701, (570) 321-6112.

Shepard, Reba E., dec'd.

Late of Roaring Branch Township.
Co-Executors: Lamar A. Shepard, 352 Benders Hill Rd., Roaring Branch, PA 17765 and Kevin J. Shepard, 364 Smith Road, Roaring Branch, PA 17765.

Attorneys: David J. Brann, Esquire, Brann, Williams, Caldwell & Sheetz, 1090 W. Main Street, Troy, PA 16947.

Vanhorn, Robert L., dec'd.

Late of Wolf Township.
Administratrix c.t.a.: Roberta Lee
Fisher, 333 Elm Drive, Hughesville,
PA 17737.

Attorneys: Thomas D. Hess, Esquire,
Hess and Hess, P.C., 30 South Main
Street, Hughesville, PA 17737.

Wahl, Saralee H., dec'd.

Late of Pompano Beach, Broward
County, FL.

Executor: Lawrence G. Wahl, 1859
N.W. 124th Way, Coral Springs, FL
33071.

Attorneys: McNerney, Page, Vander-
lin & Hall, 433 Market Street, Wil-
liamsport, PA 17701.

**REGISTER OF WILLS
CONFIRMATION OF
ACCOUNTS**

NOTICE IS HEREBY GIVEN to all
parties interested that the following
Accounts together with all Statement
of Proposed Distribution accompanying
the same have been filed in the Office
of the Register of Wills and Clerk of
Orphans' Court are presented to the
Orphans' Court of Lycoming County
for Confirmation Absolute October 3,
2017 unless exceptions are filed before
5:00 P.M. on that date.

Griggs, Robert W. Residual Trust—
Branch Banking & Trust Co., Trustee.
Kathy Rinehart
Register of Wills

S-8, 15, 22, 29

Lycoming Law Association Members are kindly asked to consider a donation to the Lycoming Law Association Foundation in memory of a deceased Member. The Foundation will notify the family of such Member that a gift was made by you.

Members of the Lycoming Law Association are reminded and urged to consider placing in your Wills a bequest to the Lycoming Law Association Foundation. As you probably know, your gift is tax deductible as the Foundation is a 501(c)(3) Organization.

**Do you know what your
*LYCOMING LAW ASSOCIATION
FOUNDATION***

has done to improve the delivery of legal services in our community, facilitate learning about the legal system, and enhance the image of the organized Bar?

Assigned over \$67,000.00 in Arbitration Fees to North Penn Legal Services to promote and facilitate the delivery of legal services to indigent persons in Lycoming County over the last nine years

Granted \$500.00 to the Changing Lives Through Literature Program to assist in the purchase of books

Granted \$3,000.00 to West Branch School to assist in funding a trip for students to travel to Washington, DC and visit the Supreme Court and the Houses of Congress

Granted \$6,000.00 to North Penn Legal Services to assist in funding an AmeriCorp position

Granted \$2,000.00 to CASA to assist in developing the CCAP curriculum and train program staff and volunteers

Granted \$1,245.00 to North Penn Legal Services so that one of their Staff Attorneys could attend a Fair Debt Collection Act Boot Camp Seminar in San Francisco

Granted \$1,489.00 to North Penn Legal Services so that one of their Staff Attorneys could attend a Consumer Rights Litigation Conference in Philadelphia

Granted \$2,952.00 to the Law Library at the JV Brown Library for the initial digitization of its current collection of 140 local ordinances

Granted \$1,000.00 to the Curtin PTO toward their Ben Carson Reading Room Project

Granted \$2,945.00 to CASA of Lycoming County, so that the CASA Director and the CASA Coordinator of Early Education could attend at a three day national conference on Children and the Law held at Harvard Law School

Granted \$2,625.00 to North Penn Legal Services to fund the costs of a law student's employment at NPLS for ten weeks during a summer

Granted \$250.00 to Susquehanna Home Care & Hospice for the Nurse Family Partnership to purchase reference books for nurses to use with low income families

Granted \$1,250.00 to CASA for the purchase of a computer system and necessary software

Granted \$2,200.00 to North Penn Legal Services for the development of a customized Lycoming County Child Custody Video

Granted \$1,500.00 to Wise Options (on behalf of the Domestic Violence Task Force) for the preparation, printing and distribution of a county protocol for domestic violence calls

Granted \$1,000.00 to North Penn Legal Services to assist in funding a Medicare Part D Provider Education Training

Granted \$9,000.00 to the Lycoming County Historical Society for the interpretation, archiving and digitalization of historical legal documents owned by the Taber Museum

Granted \$2,750.00 to Lycoming County for training necessary to establish a Domestic Fatality Review Team

Granted \$2,500.00 to the Montoursville Area Mock Trial Team for their attendance at Harvard University's high school mock trial workshop

Established a Pro Bono Litigation Costs Reimbursement Fund

Request for Grant Funding should be directed to the LLA Community Activities and Outreach and Committee. Information is available on the LLA website at <http://www.lycolaw.org/Committees/LLAfoundation.htm>

Please consider the Lycoming Law Association Foundation when making planned gifts.

Donations to the Lycoming Law Association Foundation are tax deductible.

The Lycoming Law Association Foundation is a tax-exempt, not-for-profit, 501(c)(3) corporation. Its mission is to cultivate the science of jurisprudence, improve the legal and judicial system, and facilitate the administration of justice for residents of Lycoming County.

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TO:

PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, September 25, 2017